

JAN 10 2006

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALSUNITES STATES LIFE INSURANCE
COMPANY,

Petitioner - Appellant,

v.

INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA, in his
Capacity as Liquidator of Respondents;
SUPERIOR NATIONAL INSURANCE
COMPANY; et al.,

Respondents - Appellees.

No. 05-55588

D.C. No. CV-05-00678-GLT
Central District of California,
Los Angeles

ORDER AMENDING

Before: KLEINFELD, TASHIMA and FISHER, Circuit Judges.

The disposition filed on November 28, 2005 and available at 2005 WL
3150272 is AMENDED as follows.

The following footnote, to be numbered 3, is inserted at the end of the disposition
following the word "AFFIRMED":

Garamendi v. Cal. Compensation Ins. Co., No. B177760, 2005 WL 3485747, (Cal. Ct. App. Dec. 21, 2005), decided after our decision was filed, does not affect the analysis in this case. As the parties agreed, this case is governed by the Federal Arbitration Act and the issue was the scope of judicial review of an arbitration award under 9 U.S.C. § 10(a)(4). In contrast, the issue in *Garamendi* was the scope of judicial review of an arbitration award under the California arbitration statute. See Cal. Civ. Code § 1286.2(a)(4).

With this amendment, the panel votes unanimously to deny the petition for rehearing. Judges Kleinfeld and Fisher have voted to deny the petition for rehearing en banc, and Judge Tashima recommended denial.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

Petitioner-Appellant's petition for rehearing is DENIED and the petition for rehearing en banc is DENIED. No further petitions for panel rehearing or for rehearing en banc shall be entertained.

IT IS SO ORDERED.